

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference BARO-600 PCT	FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US2004/006695	International filing date (day/month/year) 04/03/2004	(Earliest) Priority Date (day/month/year) 12/03/2003
Applicant SYNECOR, LLC		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the drawings,

a. the figure of the **drawings** to be published with the abstract is Figure No. 3c

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

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International application No.

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Box No. IV Text of the abstract (Continuation of item 5 of the first sheet)

A prosthetic device is described that is positionable within the gastro-esophageal junction region (6) of a patient. The prosthetic device includes a proximal opening (12) and a distal orifice (14) that is adjustable in size prior to and/or following implantation. During use, the prosthetic device is attached to tissue of the gastro-esophageal junction region of the patient, with the device positioned such that food ingested by the patient passes from the esophagus through the proximal opening into the interior of the prosthetic device, and eventually exits the prosthetic device via the distal opening.

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national Application No

PCT/US2004/006695

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61F2/04

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched: (classification system followed by classification symbols)

IPC 7 A61F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X Y A	WO 00/12027 A (ENDONETICS INC) 9 March 2000 (2000-03-09) figure 3 page 4, line 7 - page 6, line 33 page 7, line 26 - line 27	23-29 30, 32 31
X Y	US 2003/040808 A1 (ATHAS WILLIAM L ET AL) 27 February 2003 (2003-02-27) figure 33 figures 35A, B	23 32

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- *B* document member of the same patent family

Date of the actual completion of the international search

27 July 2004

Date of mailing of the international search report

08/09/2004

Name and mailing address of the ISA

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Authorized officer

Franz, V

INTERNATIONAL SEARCH REPORT

International Application No

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 01/45485 A (FORSELL PETER ;IT MEDICAL AG (CH); DATTLER HEINRICH (CH)) 28 June 2001 (2001-06-28) figure 17 page 20, line 10 - line 12	30
A	CH 680 263 A (NORMAN GODIN) 31 July 1992 (1992-07-31) figures 8,9	31

INTERNATIONAL SEARCH REPORT

International application No.
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Box II Observations where certain claims were found unsearchable (Continuation of Item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 1-22, 33-66
because they relate to subject matter not required to be searched by this Authority, namely:
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of Item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2004/006695

Patent document: cited in search report		Publication date	Patent family member(s)	Publication date
WO 0012027	A	09-03-2000	US 6264700 B1	24-07-2001
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			AU 774550 B2	01-07-2004
			AU 3070301 A	03-07-2001
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			CA 2395800 A1	28-06-2001
			CN 1411359 T	16-04-2003
			EP 1299055 A2	09-04-2003
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			AT 96640 T	15-11-1993
			AU 629664 B2	08-10-1992
			AU 5936490 A	22-02-1991
			CA 2035903 A1	21-01-1991
			WO 9101117 A1	07-02-1991
			DE 69004409 D1	09-12-1993
			DE 69004409 T2	11-05-1994
			DK 435983 T3	28-03-1994
			EP 0435983 A1	10-07-1991
			ES 2047337 T3	16-02-1994
			JP 4500769 T	13-02-1992
			US 5314473 A	24-05-1994